

REMARKS

Claims 1-2, 4, 7, 8, 10-12, 14-15, 17-20, 22, and 24-26 are pending in the application. Claims 1, 11, and 19 are independent. By the foregoing Amendment claims 1, 7, 11, 17, and 19 have been amended and claims 27 and 29 have been canceled. These changes are believed to introduce no new matter and their entry is respectfully requested.

Rejection of Claims 1-2, 4, 7-8, 10-12, 14-15, 17-20, 22, and 24-29 Under 35 U.S.C. § 102(e)

In the Office Action, the Examiner rejected claims 1-2, 4, 7-8, 10-12, 14-15, 17-20, 22, and 24-29 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,574,796 to Roeck et al. (hereinafter “Roeck”). A claim is anticipated only if each and every element of the claim is found, either expressly or inherently, in a reference. (MPEP §2131 *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). The identical invention must be shown in as complete detail as is contained in the claim. *Id. citing Richardson v. Suzuki Motor Co.*, 868 F.2d 1226,1236 (Fed. Cir. 1989)). Applicant respectfully traverses the rejection.

Representative claim 1 recites in pertinent part “performing a search for data channels in several multimedia channels in a cable network by: eliminating from the search channels associated with analog media content and/or non-digital signal sources... temporarily activating adaptive equalizer logic in a QAM modulator to demodulate the channel according to a quadrature phase shift keying (QPSK) modulation technique to position a slicer in the QAM demodulator to an appropriate quadrant in an I/Q constellation... sweeping a carrier frequency of the receiver over a carrier loop bandwidth for the receiver to attempt to obtain a channel lock on the selected channel while the receiver is activated to demodulate the selected channel according to the QPSK modulation technique; and if a channel lock is obtained, determining whether the selected channel is a data channel; and if the selected channel is a data channel, then returning the adaptive equalizer logic in the QAM modulator to demodulate the selected channel according to the QPSK technique.” Independent claims 11 and 19 recite similar elements. Support for these changes can be found in Applicants’ Specification at page 14, line 12 to page 15, line 18.

Applicant respectfully submits that Roeck does not teach or fairly suggest “eliminating from the search channels associated with analog media content and/or non-digital signal sources” as recited in claims 1, 11, and 19. For example, in step 402 of Roeck the cable modem powers up, in step 404, the cable modem initializes, in step 406, the cable modem identifies a potential downstream frequency from the frequency list, in step 408 the CPU in the modem is set to the selected downstream frequency, in step 410, the CPU matches the internal amplifier to the signal level, in step 412 the cable modem receiver chip is set to look for a QPSK signal, in step 414, and so forth. That is, Roeck performs this process on the all of the multimedia channels in the cable network. Nowhere in Roeck is it mentioned that Roeck eliminates from the search channels associated with analog media content and/or non-digital signal sources. Roeck has to search all of the channels, analog channels, digital channels, non-digital signal sources, data channels, etc. This is reinforced in the teaching in the Background of the Invention section that analog signals are broadcast to all subscribers of the cable system, but no such teaching that these analog signals are eliminated when implementing the scheme in Roeck. Applicant therefore respectfully submits that Roeck thus does not teach the identical invention as claims 1, 11, and 19. Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 1, 11, and 19.

Claims 2, 4, 7-10, 12, 14, 15, 18, 20, 22, 24, and 25-26 properly depend from claims 1, 11, or 19, which Applicant respectfully submit are patentable. Accordingly, Applicant respectfully submits that claims 2, 4, 7-10, 12, 14, 15, 18, 20, 22, 24, and 25-29 are patentable for at least the same reasons that claims 1, 11, and 19 are patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988))). By the foregoing Amendment, claims 27 and 27 have been canceled rendering the rejection of them moot. Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 1-2, 4, 7-8, 10-12, 14-15, 17-20, 22, and 24-29.



CONCLUSION

Applicants submit that all grounds for rejection have been properly traversed, accommodated, or rendered moot, and that the application is in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,
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